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BEFORE THE BOARD OF PATENT APPEALS

AND INTERFERENCES

Paper No. 23

Application Number: 09/185,212

Filing Date: 11/3/1998

Appellant(s): Maeda et al

David A. Tucker

For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 5/16/2003.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

Appellant's brief includes a statement that claims 1-4 and 6-17 stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

5,960,247	MORIKAWA	9-1999
6,088,135	KUSUMOTO	7-2000
5,682,549	TANAKA ET AL	10-1997
5,923,013	SUZUKI ET AL	7-1999

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of thi: title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. **Claims 1-4, 6-10, 12, 16, and 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (U. S. 5,923,013) in view of Tanaka et al. (hereinafter referred to as Tanaka) (U. S. 5,682,549).

With respect to **claim 1**, Suzuki discloses an image processing device (72) comprising image data input means (76 or 110, figure 12) for inputting image data; image data storage means (80) for storing the image data (column 8, lines 29-34); image data confirmation (identifying) means (78) for confirming (identifying) the characteristics (content) of the image data (column 5, lines 14-19; column 6, lines 56-64, an column 8, lines 11-28); management table means (92, figure 13) for managing on an image basis as each image data is inputted from the input means (which reads on managing a print job on a job basis and on a page basis) (the abstract, lines 1-2, column 8, line 58 to column 9, line 16, and column 11, lines 29-35) the characteristics of each image data as management information of image data (column 8, lines 42-49 and column 8, line 58 to column 9, line 9) with reference to the corresponding data stored in the image data storage means (80) (column 8, line 58 to column 9, line 9), and image processing means (82) for performing image processing with respect to the image data (column 8, lines 29-35).

Suzuki differs from claim 1 in that although he discloses sending the image data to the storage means he does not clearly disclose that the management table manages input request information indicative of a request for transmitting the image data from the image processing means and input completion information indicative of the completion of an input of the image data in connection with the corresponding information stored in the image data storage means.

Tanaka discloses an image data management system comprising a management table wherein input request and input completion requests are managed by the management table (column 8, lines 20-38). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Suzuki wherein input request and input completion requests are managed by the management table. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Suzuki by the teaching of Tanaka in order to easily store, manage, and output the image data as disclosed by Tanaka in column 2, lines 13-15.

With regard to **claim 2**, Suzuki discloses means for setting a processing mode of the image processing means (column 12, lines 29-44).

With respect to **claim 3**, Suzuki discloses that the management table (92) further includes a mode management section (which reads on the job description file) (column 8, lines 58-61) for managing a processing mode (which reads on the number of print copies) as management information of the image data (column 16, lines 18-34), with reference to the image data stored in the storage means (which reads on saved job description files) (column 16, lines 13-17).

With regard to **claim 4**, Suzuki discloses an image processing management section (92) for performing image processing with respect to the image data based on the management information of the management table means (92) (column 11, lines 19-42).

With regard to **claim 6**, Suzuki discloses image output means (72) outputting the processed image data (column 9, lines 33-45), wherein the management table (92) further includes a management output section (94) for outputting the image data from the output means according to the management information (column 8, lines 46-57 and column 9, lines 33-45).

With respect to **claims 7-10**, Suzuki discloses that the management table produces a table consisting of a table for managing information relating to the image data and processing conditions for the image data (column 8, line 58 to column 9, line 8), document ID information (column 8, lines 42-45), an image ID (contents ID) (column 4, lines 61-64), and an output image ID (page ID) for identifying each page of processed image data (column 4, lines 58-60)

With respect to **claim 12**, Suzuki discloses that the image data is for use in a computer (host system) (column 4, lines 51-54), and that the image data input means (76) is interface means for receiving data from the computer (figure 12).

With regard to **claim 16**, Suzuki discloses second image data storage means (100) for storing image data processed by the image data processing means (column 8, lines 36-41 and column 9, lines 33-45), the management table having means for managing the image data stored in the second image data storage means in connection with the corresponding management information (column 8, line 36 to column 9, line 16).

With respect to **claim 17**, Suzuki discloses second data storage means (90 or 100) for storing an image data which is subjected to image processing by the image processing means (column 8, lines 36-41 and column 9, lines 33-39); image outputting means (102) for outputting the processed second image data from the second image storage means (column 9, lines 39-43), management table means (92, figure 13) for managing output request information indicative of a request for transmitting the image data from the image output means (which reads on to execute a print job, reading the image data to be printed from the data memory, and sending the image data to the printer) (column 9, lines 23-45).

Suzuki differs from claim 17 in that he does not clearly disclose that the management table manages input request information indicative of a request for transmitting the image data from the image processing

means and input completion information indicative of the completion of an input of the image data in connection with the corresponding information stored in the image data storage means.

Tanaka discloses an image data management system comprising a management table wherein input request and input completion requests are managed by the management table (column 8, lines 20-38). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Suzuki wherein input request and input completion requests are managed by the management table. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Suzuki by the teaching of Tanaka in order to easily store, manage, and output the image data as disclosed by Tanaka in column 2, lines 13-15.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. **Claim 11** is rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki in view of Tanaka as applied to claim 1 above, and further in view of Morikawa (U. S. 5,960,247).

Suzuki as modified differs from claim 11 in that he does not clearly disclose that the image input means is a document image reading means for reading the image data of a document image.

Morikawa discloses a method of processing image data using a management table (figure 6) where a scan system (10) is used for reading the image data of an original (document) (column 3, lines 15-21). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have

modified Suzuki as modified wherein the image input means is a document image reading means for reading the image data of a document image. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Suzuki as modified by the teaching of Morikawa in order to allow the processing of print jobs on paper sheets.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. **Claim 13** is rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki in view of Tanaka as applied to claim 1 above, and further in view of Kusumoto (U. S. 6,088,135).

Suzuki as modified differs from claim 13 in that he does not clearly disclose that the image data is image data for use in a facsimile machine, and that the input means is a facsimile interface means for receiving data from the facsimile machine.

Kusumoto discloses means for processing image data using a management table (figure 11), wherein the image data may be image data for use in a facsimile machine (column 1, lines 5-10 and lines 25-30). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Suzuki as modified wherein the image data is image data for use in a facsimile machine, and the input means is a facsimile interface means for receiving data from the facsimile machine. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Suzuki as modified by

the teaching of Kusumoto in order to be able to control the image processing in a facsimile by utilizing a management table.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. **Claims 14 and 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki in view of Tanaka.

With respect to claim 14, Suzuki discloses an image processing device (72) comprising image data input means (76 or 110, figure 12) for inputting image data; input data management table means (92, figure 13) for managing each image data on an image data basis as each image data is inputted from the input means (which reads on managing a print job on a job basis and on a page basis) (the abstract, lines 1-2, column 8, line 58 to column 9, line 16, and column 11, lines 29-35); first data storage means (80) for storing the image data (column 8, lines 29-34); image processing means (82) for performing image processing with respect to the image data (column 8, lines 29-35); second data storage means (90 or 100) for storing an image data which is subjected to image processing by the image processing means (column 8, lines 36-41 and column 9, lines 33-39); management table means (92, figure 13) for managing input request information indicative of a request for transmitting the image data from the image processing means (which reads on to execute a print job, reading the image data to be printed from the data memory, and sending the image data to the printer) (column 9, lines 23-45) the characteristics of each image data as management information of

image data (column 8, lines 42-49 and column 8, line 58 to column 9, line 9) with reference to the corresponding data stored in the image data storage means (80) (column 8, line 58 to column 9, line 9).

Suzuki differs from claim 14 in that he does not clearly disclose that the management table manages input request information indicative of a request for transmitting the image data from the image processing means and input completion information indicative of the completion of an input of the image data in connection with the corresponding information stored in the image data storage means.

Tanaka discloses an image data management system comprising a management table wherein input request and input completion requests are managed by the management table (column 8, lines 20-38). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Suzuki wherein input request and input completion requests are managed by the management table. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Suzuki by the teaching of Tanaka in order to easily store, manage, and output the image data as disclosed by Tanaka in column 2, lines 13-15.

With respect to **claim 15**, Suzuki discloses image outputting means (102) for outputting the processed second image data from the second image storage means (column 9, lines 39-43), wherein the management table means (92, figure 13) manages output request information indicative of a request for transmitting the image data from the image output means (which reads on to execute a print job, reading the image data to be printed from the data memory, and sending the image data to the printer) (column 9, lines 23-45).

Suzuki differs from claim 15 in that although he discloses sending the image data to the storage means, he does not clearly disclose that the management table manages input request information indicative

of a request for transmitting the image data from the image processing means and input completion information indicative of the completion of an input of the image data in connection with the corresponding information stored in the image data storage means.

Tanaka discloses an image data management system comprising a management table wherein input request and input completion requests are managed by the management table (column 8, lines 20-38). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Suzuki wherein input request and input completion requests are managed by the management table. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Suzuki by the teaching of Tanaka in order to easily store, manage, and output the image data as disclosed by Tanaka in column 2, lines 13-15.

(11) Response to Argument

Applicant submits that Suzuki does not disclose or suggest an image processing device in which each image data input is managed by a management table on an image basis so as to individually determine (i) its input completion or (ii) both its input completion and its processing completion. The Examiner disagrees.

First, if understood by the Examiner, Applicant is insinuating that each image data (for example text, graphics, or image) on each page are "broken up" according to the type of image, and then each of those individual images are managed by the management table. That is neither claimed nor disclosed (to the

Examiner's satisfaction) in Applicant's original disclosure. Page 44 of the disclosure states that *[t]he image output table manages **for each page** (emphasis added) information relating to an output of image data which has been processed,* and *the output image ID information 721 is an identification number for identifying **each page of the image data** (emphasis added) having been processed.* Page 53 of the specification states that *[t]he images of the first, second and third **documents** (emphasis added) are identified as "1", "2" and "3" by the image ID information 713, and hereinafter referred to as the first image, second image and third image.* Accordingly, it clearly appears to the Examiner that Applicant's "images" pertain to either page or document images.

Nevertheless, Suzuki repeatedly and clearly discloses a print control system comprising a page data storage module containing page data associated with a page image for each page (column 2, lines 11-16) page data are defined as job elements (contents) enabling the job control module to examine job element lists one at a time, until all the page data required for job execution is collected (column 2, lines 50-56), the **image data** of each page is found and sent to the printer (column 5, lines 21-25). Figure 2A shows the print job which is composed of attribute information and **page data (32) of each page**.

When the input data is a print job, the job interpretation module (82) interprets the job and generates **the image data of each page** (column 8, lines 29-35). The Contents Management table contains page data and image data which is the actual data represented by page data stored in the memory (80) (column 8, lines 46-49). Suzuki goes on to disclose that **the image data of each page** is read from a page buffer and sent to the printer (column 9, lines 33-45). In selecting the page data of a page, the image data of each page is displayed, and the user previews **the contents of each page** before printing (column 9, lines 46-56).

Accordingly, it is clear that Suzuki discloses management table means (92) for managing the input image data for each input image data.

With respect to Tanaka, Applicant submits that the term "individual" in Tanaka with respect to Tanaka's disclosure of outputting the image data as individual data is far from being entirely clear. Again, MW the Examiner disagrees and submits that the term is very clear. Although Tanaka was not used for this aspect MN of Applicant's claims, Tanaka discloses determining whether a data format has been set in the registering data format included in the management table (column 6, lines 42-61), where the data format includes character, text, figure, audio or video data formats (column 4, lines 34-39), which reads on individual data. Tanaka also discloses generating an image data management record having a format for a master file, the image data management record having a master file format that includes the total number of pages of image data and an image data search key for each page (column 14, lines 6-13).

However, the real significance of Tanaka is that he discloses management table means that manages input request information and input completion information (column 8, lines 19-38).

Applicant submits that there is no motivation to combine Suzuki and Tanaka. The Examiner disagrees. Both Suzuki and Tanaka are geared towards the image data management, wherein Suzuki contains a data management table (92) for storing and managing page data, while Tanaka contains a management table that stores an input request and input complete request (column 8, lines 18-37). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teaching of Tanaka with the system of Suzuki in order to increase the manipulation of the management table.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Mark Wallerson

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December 6, 2001

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